

## REMARKS

This paper is intended to be a complete response to the above-identified Office Action. It is believed no fee is due. If fees are required, however, the Commissioner is authorized to deduct the necessary charges from Deposit Account 501922/119-0020US.

No claims have been amended, cancelled or added by this Reply. Claims 1-76 are currently pending in the instant patent application.

### Drawings

The Examiner has objected to drawings 3A-5 for allegedly failing to conform to 37 C.F.R. 1.84(h). The Examiner has requested that a "box and/or line drawn around each individual drawing figure is needed to show each individual figure as a separate entity." Office Action at page 2, ¶ 2.

Annotated and replacement sheets for Figures 3A-3C accompany this Reply in accordance with 37 C.F.R. 1.121. No new matter has been introduced, nor has any information necessary for Assignee to meet its obligation under 35 U.S.C. 112 been deleted. Specifically, visual "boxes" have been drawn around each of Figures 3A, 3B and 3C in conformance with the Examiner's objection.

No changes have been made to the drawing sheet containing Figures 4 and 5 because it fully conforms to Rule 84(h). In part, 37 C.F.R. 1.84(h) reads: "All views of the drawings must be grouped together and arranged on the sheet(s) without wasting space, preferably in an upright position, clearly separated from one another." 37 C.F.R. 1.84(h). There is no *requirement* other than the drawings be clearly separated. Because each of Figures 4 and 5 are already *clearly separated* from one another so that no confusion is likely, no changes have been made.

### Section 102 Rejections

The Examiner has rejected claims 1-9, 11, 12, 14-17, 25-31, 33, 35, 36, 40-46, 49-55, 61-69, 75 and 76 as allegedly being anticipated under 35 U.S.C. 102(b) by U.S.

Patent Publication US 2004/0078358 A1 to Hughes et al. ("Hughes"). Specifically, the Examiner asserts that:

"Regarding claims 1, 25 and 40, Hughes teaches a search for specific files from [sic] browser window ... includes: designating a plurality of file system locations (figure 3, paragraph 0026, figure 3, elements Name, Size, Type, and Modified), wherein each file system location is associated with zero or more file objects (paragraph 0023-0031, figure 4); and displaying a superset of file objects associated with each of the designated file system locations in a single display (figure 4, paragraph 0029)." Office Action at page 3, ¶¶ 4 and 5.

"Regarding Claims 49 and 65, the limitations of these claims have been noted in the rejections of claims 1, 5, and 25 presented above. They are therefore rejected as set forth above." Office Action at page 7, ¶ 23.

1. US Patent Publication US 2004/0078358 A1 to Hughes

Hughes is directed, generally, to techniques "for searching for files in a computer system employing a Windows operating system." Hughes at Abstract. More specifically, Hughes teaches "receiving search criteria through a browser window input field, wherein the search criteria include: a directory and at least one wildcard symbol." Hughes at Abstract (emphasis added). *See also*, Hughes at 0032-0036 and FIG. 5. As Hughes declares, the "invention provides a way for the user to perform an exclusive file search directly through the browser window, without having to make a search through the Start menu." Hughes at 0032. Each and every prior art search operation described by Hughes explicitly states that a search criteria is used to interrogate a single specified directory. Hughes at 0023-0031 and Figures 3 and 4. Similarly, each and every embodiment described by Hughes interrogates a single specified directory. Hughes at 0033-0041 and FIGS. 5 and 6. (Specifically, the described search interrogates the C:\winnt\system32\ directory. Hughes at 0024 and 0033.)

2. Claimed Subject Matter

Each of independent claims 1, 25 and 40 recite the acts or abilities to designate "a plurality of file system locations" and display "a superset of the file objects associated

with each of the designated file system locations in a single display." Each of independent claims 49 and 65 recite the acts or abilities to specify "*a file system location on each of the at least two devices*" and display "the *set union of the file system objects* located at each of the specified file system locations.

3. Principles of Law

"For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference." *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 677, 7 U.S.P.Q.2d (BNA) 1315, 1217 (Fed. Cir. 1988). Further, the "identical invention must be shown in as complete detail as is contained in the patent claim" (*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d (BNA) 1913, 1920 (Fed. Cir.), *cert. denied*, 493 U.S. 853 (1989)) and the "elements must be arranged as in the claim under review" (*In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d (BNA) 1566 (Fed. Cir. 1990), *reh'g denied*, 1990 U.S. App. LEXIS 19971 (Fed. Cir. 1990)). See also M.P.E.P. 2131.

4. Discussion

As noted above, Hughes only describes displaying the result of a search performed at a single location within a file system, wherein the search criteria permits the use of wildcard symbols.<sup>1</sup> Hughes at Abstract, 0026, 0028, FIG. 3, 0031, 0033-0040 and FIG. 5. Accordingly, and in stark contrast to the Examiner's assertions, at no time does Hughes teach or describe the ability to designate more than a single file system location as recited in independent claims 1, 25 and 40 or the ability to designate two or more file system locations on different devices as recited in independent claims 49 and 65.

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1 While a "single location" may include a directory with sub-directories (*e.g.*, C:\winnt\system32\), this is nevertheless a single location as that term is used in Hughes, as commonly accepted in the prior art and as used in the instant invention (see, for example, Specification at 0021-000023 and FIGS. 3A-3C).

As a consequence of completely failing to describe (or even suggest) the display of objects from more than a single designated file system location, Hughes also does not teach or describe displaying a superset or set union of objects from two or more file system locations. (This is understandable, as the concept of a superset or set union does not arise when dealing with a collection of objects at a single location.)

For at least these reasons, Hughes fails to teach each and every element recited in independent claims 1, 25, 40, 49 and 65. As a result, the Examiner has failed to present a legitimate *prima facie* anticipatory rejection under 35 U.S.C. 102. Accordingly, it is respectfully requested that the Examiner withdraw this rejection.

Each of rejected claims 2-9, 11, 12, 14-17, 26-31, 33, 35, 36, 41-46, 50-55, 61-64, 66-69, 75 and 76 depend from one of independent claims 1, 25, 40, 49 and 65. Since each independent claim is patentable over Hughes as discussed above, each of the identified dependent claims are also allowable. Accordingly, it is respectfully requested that the Examiner withdraw this rejection.

### **Section 103 Rejections**

The Examiner has rejected claims 10, 13, 18-24, 32, 34, 37-39, 47, 48, 56-60 and 70-74 as allegedly being unpatentable under 35 U.S.C. 103(a) over U.S. Patent Publication US 2004/0078358 A1 to Hughes as applied to claim 1 and further in view of U.S. Patent Publication 2003/0084096 A1 to Starbuck et al.

As noted above, Hughes clearly fails to establish a legitimate *prima facie* case of anticipation as to independent claims 1, 25, 40, 49 and 65. Accordingly, independent claims 1, 25, 40, 49 and 65 are patentable over the prior art of record. In so far as each of rejected claims 10, 13, 18-24, 32, 34, 37-39, 47, 48, 56-60 and 70-74 depend from one of independent claims 1, 25, 40, 49 and 65, these claims are also allowable. Accordingly, it is respectfully requested that the Examiner withdraw this rejection.

### **CONCLUSIONS**

Reconsideration of pending claims 1-76 in light of the above remarks is respectfully requested. If, after considering this reply, the Examiner believes that a telephone conference would be beneficial towards advancing this case to allowance, the Examiner is strongly encouraged to contact the undersigned attorney at the number listed.

/Coe F. Miles, Ph.D., J.D./  
Reg. No. 38,559

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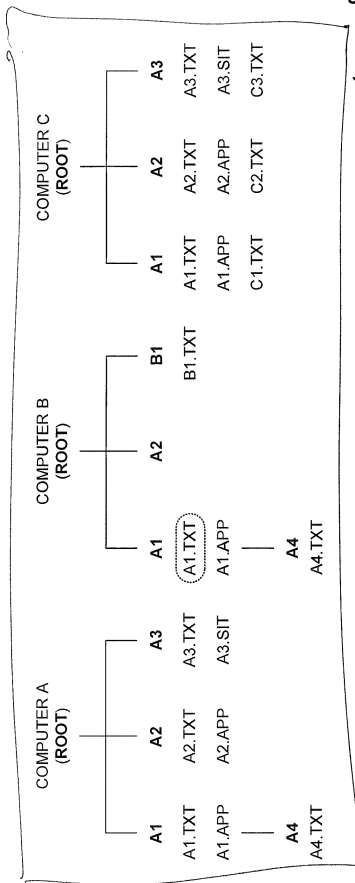


FIG. 3A

*Boxes added*

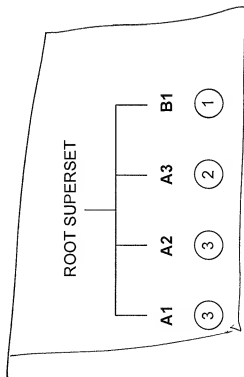


FIG. 3B

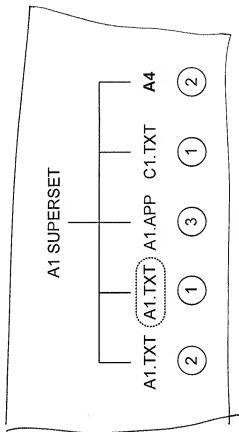


FIG. 3C